ATTORNEY DOCKET NO. BROADBAND/SCH
Serial No.: 10/064,711

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-2, 4-9, 11-15 and 17 stand rejected under 35 U.S.C. 102 as allegedly being anticipated by Moon. This contention is respectfully traversed, and for reasons set forth herein, the rejection fails to meet the Patent Office's burden of providing a prima facie showing of unpatentability.

Initially, a minor correction to claim 1 and claim 2 has been made to correct the antecedent for "another computer" in the penultimate line of claim 1, and to correct antecedence in claim 2.

Claim 1 defines a cellular telephone that has "a function for sending messages" and has an interface part that commands interface with another computer. The cellular telephone establishes a user identity with the another computer and commands an operation on the remote computer that is associated with sending the messages. With all due respect, Moon does not teach control of the remote computer from a cellular telephone. Moon does teach an intelligent communication device, which can be include, and be communicated with, via a cellular telephone. See generally column 2 line 16. That cellular phone, however, does not control the remote computer as claimed.

Moon teaches a touchscreen display. As the Examiner points out, one thing that can be displayed is a new mail alert. However, the new mail alert indicates that new mail has been received on the computer, not on a cellular phone. The rejection also notes that the portable communication device can operate Microsoft Windows. From

this, the rejection reasons that the cellular telephone could be used to establish a user identity with the computer. With all due respect, this is entirely based on hindsight and not on what Moon actually says.

Claim 1 defines that the cellular telephone can establish the user identity and then can command an operation on the remote computer associated with sending the message. Moon teaches mail can be received, but teaches nothing about commanding an operation on the remote computer associated with sending messages or that the cellular telephone establishes a user identity with the another computer.

The PDA of Moon does communicate with the computer, and allows communication of word processing and other information. There is no teaching or suggestion of the communication being from a cellular telephone. While Moon does describe in column 2 that the communication device includes a cellular telephone, all of the discussion throughout Moon is about the computer-controlled touchscreen display. Nowhere is there any teaching or suggestion that control is actually carried out from the cellular telephone as compared with from the touchscreen display. Even assuming somehow, arguendo, that the cellular telephone could carry out these control functions (which is not disclosed in Moon), the subject matter is still not defined. There is no teaching or suggestion that the touch display establishes a user identity with the other computer. In fact, the touchscreen display, what we might now call a PDA, must be within range of the other computer. This is evident from the meters which are apparently the subject matter of the Moon patent. One of these meters can display an out of range indicator, see generally column 7 lines 4. Nowhere is there any teaching or suggestion that the cellular telephone establishes a user identity and commands an operation on the remote computer. In fact, the entire thrust of Moon is the rotating

meters, and nowhere is there any teaching or suggestion of establishing the user identity as claimed and commanding an operation as claimed.

Claim 2 requires that the commanding operation attaches a file on the remote computer as part of the message being sent. This is not taught or suggested by Moon. For example, users often send text messages cellular telephones. This system enables a remote computer (the "another computer") to attach a file as part of a cellular telephone message that is sent. This is not taught or suggested by Moon. Even assuming Moon allows checking e-mail, it teaches nothing about sending the e-mail from the remote part, certainly not from the cellular telephone, and certainly teaches nothing about attaching the file from the computer to an e-mail sent from the remote computer. Therefore, claim 2 should be additionally allowable.

The rejection refers to the capabilities of Microsoft Windows. Admittedly, Microsoft windows would be capable of doing this if properly programmed. However, nowhere is there any teaching or suggestion in Moon of doing that kind of programming.

Claim 3 was rejected based on Moon in view of Otsuka. Otsuka admittedly teaches a communication device, but teaches nothing about sending a fax from a remote computer based on a communication from a telephone. Otsuka apparently teaches a remote control for a dedicated fax machine. Nowhere is there any teaching or suggestion that this can be done by establishing a user identity with another telephone and sending a fax. In fact, the citation of Otsuka is based entirely on hindsight, since there is no teaching or suggestion of anything in Moon which would suggest sending by fax.

The remaining dependent claims should be allowable for analogous reasons. Claim 7 defines a method of initiating a message from a cell phone, communicating to a remote computer which is separated from the cellular phone, and sending the message including the message from the cellular phone and the functionality from the remote computer. This requires, therefore, a dual-initiation message: a first part from the cellular telephone and a second part from the functionality from the remote computer. Moon teaches nothing about this. Moon never teaches or suggest sending any message from the cellular phone. Even if a message could be sent from the remote, that message would only be sent from the remote computer, not the message from a cellular phone and the functionality from the remote computer as claimed. Therefore, claim 7 should be allowable along with the claims that depend therefrom.

Claim 13 defines initiating a communication from a handheld portable cellular telephone which includes a user interface, connecting to the nonportable computer, and carrying out an operation on the nonportable computer based on the communication initiated from the user interface on the handheld portable cellular phone. Again, Moon teaches nothing about initiating a communication from a handheld portable cellular telephone. Claim 14 should be even further allowable as it requires parts from the portable cellular phone and parts from the nonportable computer, which is nowhere taught or suggested by the cited prior art.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been

expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Therefore, and in view of the above amendments and remarks, all of the claim should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

Date: 3-2-05

Scott C. Harris
Reg. No. 32,030

Customer No. 23844
Scott C. Harris, Esq.
P.O. Box 927649
San Diego, CA 92192
Telephone: (619) 823-7778
Facsimile: (858) 678-5082